

BEFORE THE
FEDERAL ELECTION COMMISSION

Ms. Lori Glasser
8028 NW 41st Court
Sunrise, FL 33351-6159

v.

MUR # 5506

EMILY's List
1120 Connecticut Avenue NW
Washington, DC 20036
202-326-1400

Florida Women Vote! – A Project of Emily's List
1120 Connecticut Avenue NW
Washington, DC 20036
202-326-1400

Betty Castor for Senate
2101 E. Palm Avenue
Tampa, FL 33605-3915
813-831-4871

COMPLAINT

1. This complaint alleges coordination between Emily's List and the Betty Castor for Senate Campaign. The coordination of election activities between Emily's List and Betty Castor for Senate is a violation of the campaign finance laws. 2 USC § 441.
2. In March, 2002, Congress enacted the Bipartisan Campaign Reform Act of 2002 (BCRA) in order to stop the injection of soft money into federal elections. The relevant provisions of BCRA were upheld by the Supreme Court in *McConnell v. FEC*, 540 U.S. ____ (slip op. December 10, 2003).
3. In upholding BCRA in *McConnell*, the Supreme Court emphasized the significance of restricting coordination between third parties and campaign committees. Coordination is a clear violation of the new campaign finance laws, which was designed to stem the inordinate amount of influence by special interest groups in federal elections. The Court upheld a less strict standard of coordination in *McConnell* by not requiring an express agreement of coordination to insure that groups that work in tandem with a federal candidate or federal campaign may be held accountable for the electioneering activities on behalf of a campaign. "An agreement has never been required to

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support a finding of coordination with a candidate...which refers to cooperation, consultation of in concert with, or at the request or suggestion of a candidate.” *Id.* at 705-06. The Court continued to note that Congress used “precisely the same language” to address coordinated expenditures. “Federal Election Campaign Act’s (FECA) longstanding of coordination delineates its reach of common understanding.” *Id.* at 706.

4. As an extension of the restriction on contributions to candidates and campaigns under BCRA, coordinated activity is considered a contribution to the candidate and restricted as such. “Expenditures made by a person in cooperation, consultation, or concert with, or at the request or suggestion of a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate.” 2 USCS § 441(a)(7)(B)(i). Therefore, any coordinated activities, such as advertising, whose costs exceed the contribution limit, are a clear violation of federal campaign finance laws.
5. Under BCRA, an advertising expenditure becomes coordinated if it meets a three pronged test: (1) if the communication is paid for by someone other than the candidate, or the candidates committee, and it satisfies the (2) content standard and (3) the conduct standards in the Regulations. 11 CFR § 109.21(a).
6. EMILY’s List/Florida Women Vote! recently purchased television advertising around the State of Florida. Thus, its advertisements clearly are not being paid for by the candidate or the candidates committee, but rather a third party. The content refers to a clearly identified federal candidate in that candidate’s target state within 30 days of the federal primary, thereby making it an electioneering communication. 11 CFR 100.29(a)-(b). Many former employees of Emily’s List are now employed by the Castor Campaign, violating the former employer standard set forth by the FEC. This standard was implemented to avoid an employee from sharing strategy and ideas with the independent group or the campaign having been part of the other entity. The movement back and forth of employees between Emily’s List and Betty Castor for Senate indicates coordination of ideas and strategy under the conduct standard, and a symbiotic relationship between the two. 68 F.R. 438, January 2, 2003.
7. Candidate Castor’s current campaign manager, Deborah Reed, has worked on other EMILY’s List campaigns, including managing another EMILY’s List candidate in Maine. Numerous other Castor employees were hired based on EMILY’s List decisions. For example, former Castor campaign manager Jeff Garcia has stated that “Anything short of saying [EMILY’s List is] playing a massive role in the campaign would be an understatement.” *St. Petersburg Times*, “Castor’s ties to Group Draw Fire,” July 18, 2004. There have been extensive communications between Emily’s List (and officials thereof) and Betty Castor for Senate (and officials thereof) regarding the direction of the campaign. Garcia confirmed that there is an EMILY’s List employee

dedicated solely to the Castor campaign who calls daily, and even hourly, to the Castor Campaign. In addition, "other "EMILY's Lists staffers help with publicity, finance, and research, such as gathering information on opponents' records." *Id.*

8. Former Castor Campaign employee Linda Hennesey has stated publicly that many EMILY's List operatives were and are raising money for the Castor Campaign. Current Emily's List leaders stated that in addition to fundraising on behalf of Castor, they intended to conduct an "independent expenditure" campaign to "benefit the former University of South Florida president, possibly in seven figures." *Tampa Tribune*, "Castor Bids for Early Edge in Senate Race." April 4, 2004.
9. EMILY's List's direct assistance with the Castor campaign's fundraising begs the question of whether, and to what extent, there is a separation between those EMILY's List employees that work with the campaign, and those that claim they are making an independent expenditure. This confusion is furthered by a public disclosure listing that the Castor Campaign made disbursements of over \$33,000 to EMILY's List in its recent FEC report.
10. The recent television advertising purchase by EMILY's List is coordinated with the Castor campaign as they are the "functional equivalent" of one large purchase. For example, as EMILY's List has made several large advertising buys in the same media markets as the Castor Campaign has made advertising buys, i.e. Jacksonville, Orlando, and Gainesville, the Castor campaign has decreased the amount of advertising buys in these same markets. This further buttresses the obvious coordination strategy between EMILY's List and the Castor Campaign. Strategic and planned advertising purchases by both EMILY's List and the Castor for Senate Campaign are the functional equivalent of a single campaign, and constitute illegal coordination.
11. The strong circumstantial evidence presented above and the former employee statements of "substantial discussion" all but prove coordination. However, there is more; much more. The most convincing proof of this coordination violation are recent admissions by the Senate candidate herself. Castor's statements acknowledge her own "substantial discussion" convincingly prove illegal coordination.
12. At a recent speech to EMILY's List, Castor referred to an EMILY's List leader, Martha McKenna, as being intimately involved in her campaign. "Martha's actually come to my campaign headquarters, which is right above Mike's Pies on MacDill Avenue, and she has helped us dial for dollars and given me great advice and support." Castor continued, "You have written me over \$650,000 worth of checks and I appreciate it very very very much.... I would not be standing here today as the frontrunner in this race for the United States Senate were it not for Emily's List and I am well aware of that." *Speech to Emily's List sponsored forum*, May 2004.

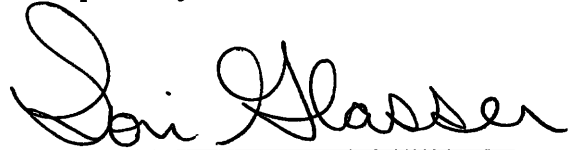
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13. Betty Castor's personal admission of "substantial discussion" puts the issue of coordination beyond doubt. Thus, all three prongs have been met prove illegal coordination in violation of federal campaign finance law and the implementing FEC Regulations; As the primary election is just a month away, this matter requires immediate action by the FEC.

Prayer for Relief

14. Wherefore, the Commission should conduct an immediate investigation to determine that Emily's List and the Betty Castor for Senate Campaign have violated or is about to violate 2 U.S.C. §441a, should impose appropriate sanctions for such violations, should immediately enjoin Emily's List from all such violations in the future, and should impose such additional remedies as are necessary and appropriate to ensure compliance with FECA and BCRA.

Respectfully submitted,



Ms. Lori Glasser
8028 NW 41st Court
Sunrise, FL 33351-6159

STATE OF FLORIDA
COUNTY OF Broward
Sworn to (or affirmed) and subscribed before me this 2nd
day of August 2009, by Lori Glasser
who is personally known to me or has produced
FD-426 426 524 920 as identification.

